

**REMARKS**

Claims 1-20 remain for reconsideration. Claims 21-47 have been previously cancelled without prejudice or disclaimer.

On September 19, 2005, Applicants filed an Appeal Brief with the Board. In response, Examiner Jackson did not prepare an Examiner's Answer as required under 37 CFR 41.39, but rather issued a non-final Office Action which did not even appear to acknowledge the Appeal Brief nor appear to raise any new ground of rejection. This is improper. Under 37 CFR 41.39, in response to an Appeal Brief, the Examiner should file an Examiner's Answer. The Answer may of course raise a new ground of rejection to which the appellant may 1) reopen prosecution, or 2) request that the Appeal be maintained. Here, there is no need to reopen prosecution because there is no new issues which require response. Applicant's respectfully request that the Appeal be maintained and the Brief filed on September 19, 2005 be forwarded to the Board.

For completeness of response, the rejections set forth in the new non-final Office Action are set forth below.

All claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,636,975 to Khidekel et al. in view of U.S. Patent 6,668,044 to Schwartz. This rejection is respectfully traversed based on the following

discussion.

Briefly, embodiments of the present invention are generally directed to systems and methods for authenticating the identity of a second user or caller to a first caller conversing on telephone through a media gateway. As discussed for example on page 27, lines 17-20, embodiments of the present invention are used for “enabling the provision of authentication or identification services to an end-user regarding a caller during or on a call” (emphasis added). As further discussed, for example at page 29, lines 1-4, “...the client device 28 receives a request to “remote authenticate”. For example, the request may be initiated by the Authenticator invoking the authentication feature on his/her client device, such as by speaking a voice command or dialog command into a dialog system or a dialog management module” (emphasis added).

Thus, according to embodiments, a caller, during a call, may authenticate the caller on the other end of the line simply by speaking a voice command during the call.

Independent claims 1 as previously amended recites:

“...establishing a telephone call between the first user and the second user through a media gateway;

detecting a voice command from the first caller during the telephone call;

requesting a certificate corresponding to the second user from an

authentication server in response to the voice command...” (emphasis added).

Similarly, independent claim 11 recites “... in response to a voice command of the first user requesting authentication of the second user, is configured to receive a certificate corresponding to the user of the second client device and the authentication certificate from the authentication server and being configured to authenticate the user of the second client device...” (emphasis added).

It was previously successfully argued that one party authenticating another party simply by a “voice command” was not taught or suggested by Khidekel.

In the final Office Action, the Examiner has further relied on the U.S. Patent 6,668,044 to Schwartz for the teaching of “*detecting a voice command from a first caller during the telephone call*” (Final Office Action, page 3, lines 2-3). Further, the Examiner has cited to column 9, line 64 to column 10, line 11 of the Swartz reference to support this finding. However, nothing in the cited to passage remotely suggests “detecting a voice command” as alleged by the Examiner and certainly not or the purpose of one party to a call authenticating the other. The noted passage in Schwartz states:

*“In one embodiment of the subject invention, the method of recording*

*telephone conversations between two or more parties is employed in conjunction with an Advanced Intelligent Network (AIN). In this instance, the central archiving facility is configured to monitor and record telephone conversations. Accordingly, one or more telephone lines are monitored to detect the initiation or receipt of a telephone call. The content of the telephone call is then recorded by the central archive facility upon initiation or receipt of the call” (Schwartz column 9, line 64 to column 10, line 11).*

This passage merely indicates that a central facility is provided to monitor and record telephone calls. It has absolutely nothing to do with one party authenticating another party with a “voice command” as claimed. At best, portions of Schwartz may relate to recording and archiving calls by various methods of in-band signaling.

Thus, neither reference relied upon by the Examiner teaches the claimed invention.

For each and every claim at issue, the Examiner must make out a case of prima facie obviousness. Referring the Examiner now to MPEP § 2143, titled "Basic Requirements for a Prima Facie case of Obviousness", the MPEP mandates that: ...

“the prior art reference (or references when combined) must teach or suggest all of the claimed limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not applicant's disclosure." (emphasis added).

Here, the combination of Khidekel and Schwartz do not teach or suggest all of the claimed limitation since neither teaches or suggests one party authenticating another party simply by a "voice command" as claimed.

In view of the foregoing, it requested that the application be reconsidered, that claims 1-20 be allowed and that the application be passed to issue. Please charge any shortages and credit any overcharges to Intel's Deposit Account number 50-0221.

Respectfully submitted,

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